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8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation  
13 Against:

14 **SUKHWINDER SINGH SANDHU, M.D.**  
15 **734 Mowry Avenue**  
**Fremont, CA 94536**

16 **Physician's and Surgeon's Certificate No. G**  
17 **66303**

18 Respondent.

Case No. 800-2014-009796

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

19  
20 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
21 interest and the responsibility of the Medical Board of California of the Department of Consumer  
22 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
23 which will be submitted to the Board for approval and adoption as the final disposition of the  
24 First Amended Accusation.

25 **PARTIES**

26 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
27 of California (Board). She brought this action solely in her official capacity and is represented in  
28

1 this matter by Xavier Becerra, Attorney General of the State of California, by Greg W. Chambers,  
2 Deputy Attorney General.

3 2. Respondent Sukhwinder Singh Sandhu, M.D. (Respondent) is represented in this  
4 proceeding by attorney Stephen M. Boreman, Esq., Slote, Links & Boreman, LLP, One  
5 Embarcadero Center, Suite 400, San Francisco, CA 94111-3619.

6 3. On or about July 11, 1989, the Board issued Physician's and Surgeon's Certificate No.  
7 G 66303 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at  
8 all times relevant to the charges brought in First Amended Accusation No. 800-2014-009796, and  
9 will expire on June 30, 2019, unless renewed.

#### 10 JURISDICTION

11 4. First Amended Accusation No. 800-2014-009796 was filed before the Board, and is  
12 currently pending against Respondent. The First Amended Accusation and all other statutorily  
13 required documents were properly served on Respondent on December 11, 2018. Respondent  
14 timely filed his Notice of Defense.

15 5. A copy of First Amended Accusation No. 800-2014-009796 is attached as exhibit A  
16 and incorporated herein by reference.

#### 17 ADVISEMENT AND WAIVERS

18 6. Respondent has carefully read, fully discussed with counsel, and understands the  
19 charges and allegations in First Amended Accusation No. 800-2014-009796. Respondent has  
20 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
21 Settlement and Disciplinary Order.

22 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
23 hearing on the charges and allegations in the First Amended Accusation; the right to confront and  
24 cross-examine the witnesses against him; the right to present evidence and to testify on his own  
25 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
26 production of documents; the right to reconsideration and court review of an adverse decision;  
27 and all other rights accorded by the California Administrative Procedure Act and other applicable  
28 laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in First Amended Accusation No. 800-2014-009796, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. For the purpose of resolving the First Amended Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the First Amended Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 66303 issued to Respondent Sukhwinder Singh Sandhu, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol.

2. COMMUNITY SERVICE - FREE SERVICES. Within sixty (60) calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval a community service plan in which Respondent shall, within the first two (2) years of probation, provide forty (40) hours of free services (e.g., medical or nonmedical) to a community or non-profit organization. If the term of probation is designated for two (2) years or less, the community service hours must be completed not later than six (6) months prior to the completion of probation.

Prior to engaging in any community service, Respondent shall provide a true copy of the Decision(s) to the chief of staff, director, office manager, program manager, officer, or the chief executive officer at every community or non-profit organization where Respondent provides community service and shall submit proof of compliance to the Board or its designee within fifteen (15) calendar days. This condition shall also apply to any change(s) in community service.

Community service performed prior to the effective date of the Decision shall not be accepted in fulfillment of this condition.

3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within sixty (60) calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall

1 successfully complete the classroom component of the program not later than six (6) months after  
2 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
3 time specified by the program, but no later than one (1) year after attending the classroom  
4 component. The professionalism program shall be at Respondent's expense and shall be in  
5 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

6 A professionalism program taken after the acts that gave rise to the charges in the  
7 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
8 or its designee, be accepted towards the fulfillment of this condition if the program would have  
9 been approved by the Board or its designee had the program been taken after the effective date of  
10 this Decision.

11 Respondent shall submit a certification of successful completion to the Board or its  
12 designee not later than fifteen (15) calendar days after successfully completing the program or not  
13 later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

14 4. PSYCHIATRIC EVALUATION. Within thirty (30) calendar days of the effective  
15 date of this Decision, and on whatever periodic basis thereafter may be required by the Board or  
16 its designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological  
17 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall  
18 consider any information provided by the Board or designee and any other information the  
19 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its  
20 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not  
21 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all  
22 psychiatric evaluations and psychological testing.

23 Respondent shall comply with all restrictions or conditions recommended by the evaluating  
24 psychiatrist within fifteen (15) calendar days after being notified by the Board or its designee.

25 5. PSYCHOTHERAPY. Within sixty (60) calendar days of the effective date of this  
26 Decision, Respondent shall submit to the Board or its designee for prior approval the name and  
27 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who  
28 has a doctoral degree in psychology and at least five (5) years of postgraduate experience in the

1 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall  
2 undergo and continue psychotherapy treatment, including any modifications to the frequency of  
3 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.  
4 If the psychiatric evaluation report states that psychotherapy is not needed, and if the Board  
5 agrees, then the Board may discontinue the psychotherapy requirement.

6 The psychotherapist shall consider any information provided by the Board or its designee  
7 and any other information the psychotherapist deems relevant and shall furnish a written  
8 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
9 psychotherapist with any information and documents that the psychotherapist may deem  
10 pertinent.

11 Respondent shall have the treating psychotherapist submit quarterly status reports to the  
12 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric  
13 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of  
14 probation, Respondent is found to be mentally unfit to resume the practice of medicine without  
15 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
16 period of probation shall be extended until the Board determines that Respondent is mentally fit  
17 to resume the practice of medicine without restrictions.

18 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

19 6. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the  
20 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice  
21 where: 1) Respondent merely shares office space with another physician but is not affiliated for  
22 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that  
23 location.

24 If Respondent fails to establish a practice with another physician or secure employment in  
25 an appropriate practice setting within sixty (60) calendar days of the effective date of this  
26 Decision, Respondent shall receive a notification from the Board or its designee to cease the  
27 practice of medicine within three (3) calendar days after being so notified. The Respondent shall  
28 not resume practice until an appropriate practice setting is established.

1 If, during the course of the probation, the Respondent's practice setting changes and the  
2 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent  
3 shall notify the Board or its designee within five (5) calendar days of the practice setting change.  
4 If Respondent fails to establish a practice with another physician or secure employment in an  
5 appropriate practice setting within sixty (60) calendar days of the practice setting change,  
6 Respondent shall receive a notification from the Board or its designee to cease the practice of  
7 medicine within three (3) calendar days after being so notified. The Respondent shall not resume  
8 practice until an appropriate practice setting is established.

9 7. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)  
10 days of the effective date of this Decision, Respondent shall provide to the Board the names,  
11 physical addresses, mailing addresses, and telephone numbers of any and all employers and  
12 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's  
13 worksite monitor, and Respondent's employers and supervisors to communicate regarding  
14 Respondent's work status, performance, and monitoring.

15 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or  
16 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff  
17 privileges.

18 8. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to  
19 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.  
20 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
21 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall  
22 make daily contact with the Board or its designee to determine whether biological fluid testing is  
23 required. Respondent shall be tested on the date of the notification as directed by the Board or its  
24 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at  
25 any time, including weekends and holidays. Except when testing on a specific date as ordered by  
26 the Board or its designee, the scheduling of biological fluid testing shall be done on a random  
27 basis. The cost of biological fluid testing shall be borne by the Respondent.

28 During the first year of probation, Respondent shall be subject to fifty-two (52) to one



1 hundred and four (104) random tests. During the second year of probation and for the duration of  
2 the probationary term, up to five (5) years, Respondent shall be subject to thirty-six (36) to one  
3 hundred and four (104) random tests per year. Only if there have been no positive biological  
4 fluid tests in the previous five (5) consecutive years of probation, may testing be reduced to one  
5 (1) time per month. Nothing precludes the Board from increasing the number of random tests to  
6 the first-year level of frequency for any reason.

7 Prior to practicing medicine, Respondent shall contract with a laboratory or service,  
8 approved in advance by the Board or its designee, that will conduct random, unannounced,  
9 observed, biological fluid testing and meets all of the following standards:

10 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
11 Association or have completed the training required to serve as a collector for the United  
12 States Department of Transportation.

13 (b) Its specimen collectors conform to the current United States Department of  
14 Transportation Specimen Collection Guidelines.

15 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published  
16 by the United States Department of Transportation without regard to the type of test  
17 administered.

18 (d) Its specimen collectors observe the collection of testing specimens.

19 (e) Its laboratories are certified and accredited by the United States Department of Health  
20 and Human Services.

21 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day  
22 of receipt and all specimens collected shall be handled pursuant to chain of custody  
23 procedures. The laboratory shall process and analyze the specimens and provide legally  
24 defensible test results to the Board within seven (7) business days of receipt of the  
25 specimen. The Board will be notified of non-negative results within one (1) business day  
26 and will be notified of negative test results within seven (7) business days.

27 (g) Its testing locations possess all the materials, equipment, and technical expertise  
28 necessary in order to test Respondent on any day of the week.

1 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens  
2 for the detection of alcohol and illegal and controlled substances.

3 (i) It maintains testing sites located throughout California.

4 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
5 computer database that allows the Respondent to check in daily for testing.

6 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
7 access to drug test results and compliance reporting information that is available twenty-  
8 four (24) hours a day.

9 (l) It employs or contracts with toxicologists that are licensed physicians and have  
10 knowledge of substance abuse disorders and the appropriate medical training to interpret  
11 and evaluate laboratory biological fluid test results, medical histories, and any other  
12 information relevant to biomedical information.

13 (m) It will not consider a toxicology screen to be negative if a positive result is obtained  
14 while practicing, even if the Respondent holds a valid prescription for the substance.

15 Prior to changing testing locations for any reason, including during vacation or other travel,  
16 alternative testing locations must be approved by the Board and meet the requirements above.

17 The contract shall require that the laboratory directly notify the Board or its designee of  
18 non-negative results within one (1) business day and negative test results within seven (7)  
19 business days of the results becoming available. Respondent shall maintain this laboratory or  
20 service contract during the period of probation.

21 A certified copy of any laboratory test result may be received in evidence in any  
22 proceedings between the Board and Respondent.

23 If a biological fluid test result indicates Respondent has used, consumed, ingested, or  
24 administered to himself or herself a prohibited substance, the Board shall order Respondent to  
25 cease practice and instruct Respondent to leave any place of work where Respondent is practicing  
26 medicine or providing medical services. The Board shall immediately notify all of Respondent's  
27 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or  
28 provide medical services while the cease-practice order is in effect.

1 A biological fluid test will not be considered negative if a positive result is obtained while  
2 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited  
3 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

4 After the issuance of a cease-practice order, the Board shall determine whether the positive  
5 biological fluid test is in fact evidence of prohibited substance use by consulting with the  
6 specimen collector and the laboratory, communicating with the licensee, his treating physician(s),  
7 other health care provider, or group facilitator, as applicable.

8 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the  
9 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

10 For purposes of this condition, the term "prohibited substance" means an illegal drug, a  
11 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by  
12 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been  
13 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

14 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited  
15 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the  
16 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to  
17 any other terms or conditions the Board determines are necessary for public protection or to  
18 enhance Respondent's rehabilitation.

19 9. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of  
20 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its  
21 prior approval, the name of a substance abuse support group which he or she shall attend for the  
22 duration of probation. Respondent shall attend substance abuse support group meetings at least  
23 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance  
24 abuse support group meeting costs.

25 The facilitator of the substance abuse support group meeting shall have a minimum of three  
26 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed  
27 or certified by the state or nationally certified organizations. The facilitator shall not have a  
28 current or former financial, personal, or business relationship with Respondent within the last five

1 (5) years. Respondent's previous participation in a substance abuse group support meeting led by  
2 the same facilitator does not constitute a prohibited current or former financial, personal, or  
3 business relationship.

4 The facilitator shall provide a signed document to the Board or its designee showing  
5 Respondent's name, the group name, the date and location of the meeting, Respondent's  
6 attendance, and Respondent's level of participation and progress. The facilitator shall report any  
7 unexcused absence by Respondent from any substance abuse support group meeting to the Board,  
8 or its designee, within twenty-four (24) hours of the unexcused absence.

9 10. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty  
10 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or  
11 its designee for prior approval as a worksite monitor, the name and qualifications of one or more  
12 licensed physician and surgeon, other licensed health care professional if no physician and  
13 surgeon is available, or, as approved by the Board or its designee, a person in a position of  
14 authority who is capable of monitoring the Respondent at work.

15 The worksite monitor shall not have a current or former financial, personal, or familial  
16 relationship with Respondent, or any other relationship that could reasonably be expected to  
17 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its  
18 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite  
19 monitor, this requirement may be waived by the Board or its designee, however, under no  
20 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

21 The worksite monitor shall have an active unrestricted license with no disciplinary action  
22 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms  
23 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth  
24 by the Board or its designee.

25 Respondent shall pay all worksite monitoring costs.

26 The worksite monitor shall have face-to-face contact with Respondent in the work  
27 environment on as frequent a basis as determined by the Board or its designee, but not less than  
28 once per week; interview other staff in the office regarding Respondent's behavior, if requested

1 by the Board or its designee; and review Respondent's work attendance.

2 The worksite monitor shall verbally report any suspected substance abuse to the Board and  
3 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected  
4 substance abuse does not occur during the Board's normal business hours, the verbal report shall  
5 be made to the Board or its designee within one (1) hour of the next business day. A written  
6 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and  
7 any other information deemed important by the worksite monitor shall be submitted to the Board  
8 or its designee within forty-eight (48) hours of the occurrence.

9 The worksite monitor shall complete and submit a written report monthly or as directed by  
10 the Board or its designee which shall include the following: (1) Respondent's name and  
11 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)  
12 the worksite monitor's license number, if applicable; (4) the location or location(s) of the  
13 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the  
14 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;  
15 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can  
16 lead to suspected substance abuse by Respondent. Respondent shall complete any required  
17 consent forms and execute agreements with the approved worksite monitor and the Board, or its  
18 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

19 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)  
20 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior  
21 approval, the name and qualifications of a replacement monitor who will be assuming that  
22 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a  
23 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the  
24 monitor, Respondent shall receive a notification from the Board or its designee to cease the  
25 practice of medicine within three (3) calendar days after being so notified. Respondent shall  
26 cease the practice of medicine until a replacement monitor is approved and assumes monitoring  
27 responsibility.  
28

11. VIOlation OF PROBATION CONDITION FOR SUBSTANCE ABUSING  
LICENSEES. Failure to fully comply with any term or condition of probation is a violation of probation.

A. If Respondent commits a major violation of probation as defined by section 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take one or more of the following actions:

(1) Issue an immediate cease-practice order and order Respondent to undergo a clinical diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice order issued by the Board or its designee shall state that Respondent must test negative for at least a month of continuous biological fluid testing before being allowed to resume practice. For purposes of determining the length of time a Respondent must test negative while undergoing continuous biological fluid testing following issuance of a cease-practice order, a month is defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until notified in writing by the Board or its designee that he or she may do so.

(2) Increase the frequency of biological fluid testing.

(3) Refer Respondent for further disciplinary action, such as suspension, revocation, or other action as determined by the Board or its designee.

B. If Respondent commits a minor violation of probation as defined by section 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take one or more of the following actions:

(1) Issue a cease-practice order;

(2) Order practice limitations;

(3) Order or increase supervision of Respondent;

(4) Order increased documentation;

(5) Issue a citation and fine, or a warning letter;

(6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of

1 Regulations, at Respondent's expense;

2 (7) Take any other action as determined by the Board or its designee.

3 C. Nothing in this Decision shall be considered a limitation on the Board's authority  
4 to revoke Respondent's probation if he or she has violated any term or condition of probation. If  
5 Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
6 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
7 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
8 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
9 is final, and the period of probation shall be extended until the matter is final.

10 12. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
11 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
12 Chief Executive Officer at every hospital where privileges or membership are extended to  
13 Respondent, at any other facility where Respondent engages in the practice of medicine,  
14 including all physician and locum tenens registries or other similar agencies, and to the Chief  
15 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
16 Respondent. Respondent shall submit proof of compliance to the Board or its designee within  
17 fifteen (15) calendar days.

18 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

19 13. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
20 governing the practice of medicine in California and remain in full compliance with any court  
21 ordered criminal probation, payments, and other orders.

22 14. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
23 under penalty of perjury on forms provided by the Board, stating whether there has been  
24 compliance with all the conditions of probation.

25 Respondent shall submit quarterly declarations not later than ten (10) calendar days after  
26 the end of the preceding quarter.

15. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

Address Changes

Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Place of Practice

Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event Respondent should leave the State of California to reside or to practice, Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the dates of departure and return.

16. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

17. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting



1 more than thirty (30) calendar days and within fifteen (15) calendar days of Respondent's return  
2 to practice. Non-practice is defined as any period of time Respondent is not practicing medicine  
3 as defined in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours  
4 in a calendar month in direct patient care, clinical activity or teaching, or other activity as  
5 approved by the Board. If Respondent resides in California and is considered to be in non-  
6 practice, Respondent shall comply with all terms and conditions of probation. All time spent in  
7 an intensive training program which has been approved by the Board or its designee shall not be  
8 considered non-practice and does not relieve Respondent from complying with all the terms and  
9 conditions of probation. Practicing medicine in another state of the United States or Federal  
10 jurisdiction while on probation with the medical licensing authority of that state or jurisdiction  
11 shall not be considered non-practice. A Board-ordered suspension of practice shall not be  
12 considered as a period of non-practice.

13 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
14 months, Respondent shall successfully complete the Federation of State Medical Boards' Special  
15 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
16 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model  
17 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

18 Respondent's period of non-practice while on probation shall not exceed two (2) years.

19 Periods of non-practice will not apply to the reduction of the probationary term.

20 Periods of non-practice for a Respondent residing outside of California will relieve  
21 Respondent of the responsibility to comply with the probationary terms and conditions with the  
22 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
23 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or  
24 Controlled Substances; and Biological Fluid Testing.

25 18. COMPLETION OF PROBATION. Respondent shall comply with all financial  
26 obligations (e.g., restitution, probation costs) not later than one hundred and twenty (120)  
27 calendar days prior to the completion of probation. Upon successful completion of probation,  
28 Respondent's certificate shall be fully restored.

1        19. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
2 of probation is a violation of probation. If Respondent violates probation in any respect, the  
3 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
4 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke  
5 Probation, or an Interim Suspension Order is filed against Respondent during probation, the  
6 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall  
7 be extended until the matter is final.

8        20. LICENSE SURRENDER. Following the effective date of this Decision, if  
9 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
10 the terms and conditions of probation, Respondent may request to surrender his license. The  
11 Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
12 determining whether or not to grant the request, or to take any other action deemed appropriate  
13 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
14 shall within fifteen (15) calendar days deliver Respondent's wallet and wall certificate to the  
15 Board or its designee and Respondent shall no longer practice medicine. Respondent will no  
16 longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical  
17 license, the application shall be treated as a petition for reinstatement of a revoked certificate.

18        21. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
19 with probation monitoring each and every year of probation, as designated by the Board, which  
20 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
21 California and delivered to the Board or its designee no later than January 31 of each calendar  
22 year.

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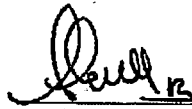
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 5/6/19



SUKHWINDER SINGH SANDHU, M.D.  
*Respondent*

I have read and fully discussed with Respondent Sukhwinder Singh Sandhu, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 5-6-19



STEPHEN BOREMAN, Esq.  
*Attorney for Respondent*

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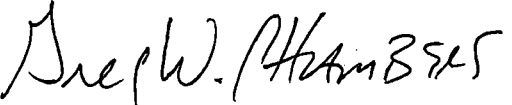
1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
3 submitted for consideration by the Medical Board of California.

4 Dated: 5/7/2019

5 Respectfully submitted,

6 XAVIER BECERRA  
7 Attorney General of California  
8 MARY CAIN-SIMON  
9 Supervising Deputy Attorney General

10   
11 GREG W. CHAMBERS  
12 Deputy Attorney General  
13 *Attorneys for Complainant*

**Exhibit A**

**Accusation No. 800-2014-009796**

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 GREG W. CHAMBERS  
Deputy Attorney General  
4 State Bar No. 237509  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3382  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO Dec. 11 2018  
BY S. J. J. J. ANALYST

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation  
13 Against:

Case No. 800-2014-009796

**FIRST AMENDED ACCUSATION**

14 **SUKHWINDER SINGH SANDHU, M.D.**  
15 **734 Mowry Avenue.**  
**Fremont, CA 94536**

16 **Physician's and Surgeon's Certificate**  
17 **No. G 66303,**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this First Amended Accusation solely in  
23 her official capacity as the Executive Director of the Medical Board of California, Department of  
24 Consumer Affairs (Board).

25 2. On or about July 11, 1989, the Medical Board issued Physician's and Surgeon's  
26 Certificate Number G 66303 to Sukhwinder Singh Sandhu, M.D. (Respondent). The Physician's  
27 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
28 herein and will expire on June 30, 2019, unless renewed.

## JURISDICTION

3. This First Amended Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code states, in part:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

"... (e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

"(f) Any action or conduct which would have warranted the denial of a certificate."

6. Section 2236 of the Code states, part:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

"... (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred."

7. Section 2239 of the Code states:

"(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic

1 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to  
2 any other person or to the public, or to the extent that such use impairs the ability of the licensee  
3 to practice medicine safely or more than one misdemeanor or any felony involving the use,  
4 consumption, or self-administration of any of the substances referred to in this section, or any  
5 combination thereof, constitutes unprofessional conduct. The record of the conviction is  
6 conclusive evidence of such unprofessional conduct.

7       “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is  
8 deemed to be a conviction within the meaning of this section. The Medical Board may order  
9 discipline of the licensee in accordance with Section 2227 or the Medical Board may order the  
10 denial of the license when the time for appeal has elapsed or the judgment of conviction has been  
11 affirmed on appeal or when an order granting probation is made suspending imposition of  
12 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal  
13 Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty,  
14 or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or  
15 indictment.”

16       8. California Code of Regulations, title 16, section 1360, states:

17       “For the purposes of denial, suspension or revocation of a license, certificate or permit  
18 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be  
19 considered to be substantially related to the qualifications, functions or duties of a person holding  
20 a license, certificate or permit under the Medical Practice Act if to a substantial degree it  
21 evidences present or potential unfitness of a person holding a license, certificate or permit to  
22 perform the functions authorized by the license, certificate or permit in a manner consistent with  
23 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the  
24 following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
25 violation of, or conspiring to violate any provision of the Medical Practice Act.”

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FACTS

9. On or about November 13, 2014, at approximately 10:56 p.m., Respondent was arrested for driving under the influence of alcohol after striking a parked car, which caused the air bags in his vehicle to deploy.

10. After being contacted by the police, Respondent claimed to have fallen asleep while driving. Peace officers on scene noted a distinct odor of an alcoholic beverage on Respondent's breath, observed that Respondent swayed while standing, that he had red watery eyes, and slow slurred speech. Respondent admitted to consuming two beers that evening.

11. Respondent provided preliminary alcohol screening tests that registered .11% and .10 % blood alcohol content (BAC) at 11:36 p.m. and 11:45 p.m., respectively. Respondent was arrested and transported to the hospital for a blood draw. On or about November 14, 2014, a blood draw of Respondent was conducted at 12:20 a.m. The result of the blood draw was a BAC of .13%.

12. On or about September 24, 2015, in a criminal proceeding entitled *The People of the State of California v Sukwinder Sandhu*, in the Alameda County Superior Court, Case Number 256326, Respondent was convicted by plea of "no contest" to violating California Vehicle Code section 23103/23103.5, "wet reckless" driving. Respondent was sentenced to 10 days in county jail, with two days' credit, which could be served through the Sheriff's Work Alternative Program; placed on three years' probation; ordered to complete 12 hours of Driving Under the Influence School; and fined \$1,000.00.

13. On or about October 22, 2017, at approximately 6:59 p.m., Respondent was pulled over after a peace officer witnessed Respondent's vehicle twice drift out of its lane, and then come within inches of colliding into the concrete center median.

14. After being contacted by the police, Respondent was observed to have slurred speech and bloodshot watery eyes, and the distinct odor of an alcoholic beverage was smelled emanating from inside Respondent's car. Respondent admitted to the officer that he consumed two beers while viewing a football game. Respondent was ultimately arrested and transported to the hospital for a blood draw.

15. On or about October 22, 2017, a blood draw of Respondent was conducted at 7:56 p.m. The result of the blood draw was a BAC of .14%.

16. On or about March 23, 2018, in a criminal proceeding entitled *United States of America v. Sukhwinder Sandhu*, in the United States District Court, Northern District of California, Case Number CR-18-011, Respondent pleaded guilty to making and subscribing a false tax return in violation of 27 U.S.C. § 7206(1).

17. On or about July 27, 2018, in the criminal proceeding *United States of America v. Sukhwinder Sandhu*, Case Number CR-18-011, Respondent was sentenced to two years' probation and ordered to pay restitution to the Internal Revenue Service (IRS) in the amount of \$92,628.00 for violating 27 U.S.C. § 7206(1).

**FIRST CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct – Criminal Conviction/Dangerous Use of Alcohol)**

18. The allegations of paragraphs 9 through 15 are incorporated by reference as if set out in full. Respondent is subject to disciplinary action under section 2234 (unprofessional conduct), and/or section 2236 and California Code of Regulations, title 16, section 1360 (criminal conviction), and/or section 2239 (dangerous use of alcohol), in that, as described above, on or about November 13, 2014, Respondent struck a parked car while he was driving with a BAC of .13%; and that on or about September 24, 2015, in a criminal proceeding entitled *The People of the State of California v Sukwinder Sandhu*, in the Alameda Superior Court, Case Number 256326, Respondent was convicted by plea of "no contest" to violating California Vehicle Code section 23103/23103.5, "wet reckless" driving. "Wet reckless" driving, which is considered a prior driving under the influence offense pursuant to California Vehicle Code sections 23540, 23546, 23550, 23560, 23566 and 23622, is substantially related to the qualifications, functions and duties of a physician and surgeon, and constitutes unprofessional conduct and cause for discipline pursuant to sections 2234 and 2236 of the Code, and title 16, section 1360 of the California Code of Regulations.

19. Additionally, Respondent is subject to disciplinary action under section 2234 (unprofessional conduct), and/or section 2239 (dangerous use of alcohol), in that, as described

1 above, Respondent has on at least two occasions consumed alcohol and driven in a manner that  
2 was dangerous to himself and others. On one occasion Respondent caused an automobile  
3 accident, and in the other incident, Respondent was observed to be driving in a dangerous and  
4 erratic manner.

## 5 SECOND CAUSE FOR DISCIPLINE

### 6 (Unprofessional Conduct – Criminal Conviction/Dishonesty)

7 20: The allegations of paragraphs 16 through 17 are incorporated by reference as if set  
8 out in full. Respondent is subject to disciplinary action under section 2234 (unprofessional  
9 conduct), and/or section 2234(e) (dishonesty), and/or section 2236 and California Code of  
10 Regulations, title 16, section 1360 (criminal conviction), in that, as described above, on or about  
11 March 23, 2018, in a criminal proceeding entitled *United States of America v. Sukhwinder*  
12 *Sandhu*, in the United States District Court, Northern District of California, Case Number CR-18-  
13 011, Respondent pleaded guilty to making and subscribing a false tax return in violation of 26  
14 U.S.C. § 7206(1); and on or about July 27, 2018, Respondent was sentenced to two years'  
15 probation and ordered to pay restitution to the IRS in the amount of \$92,628.00 for violating 26  
16 U.S.C. § 7206(1). Violation of 26 U.S.C. § 7206(1) is substantially related to the qualifications,  
17 functions and duties of a physician and surgeon, and constitutes unprofessional conduct and cause  
18 for discipline pursuant to sections 2234, 2234(e), and 2236 of the Code, and title 16, section 1360  
19 of the California Code of Regulations.

## 20 PRAAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Medical Board of California issue a decision:

23 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 66303,  
24 issued to Sukhwinder Singh Sandhu, M.D.;

25 2. Revoking, suspending or denying approval of Sukhwinder Singh Sandhu, M.D.'s  
26 authority to supervise physician assistants and advanced practice nurses;

27 3. Ordering Sukhwinder Singh Sandhu, M.D., if placed on probation, to pay the Board  
28 the costs of probation monitoring; and

1           4.   Taking such other and further action as deemed necessary and proper.

2  
3   DATED:

4   December 11, 2018

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*